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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,234	07/27/1999	DOUGLAS E. OTT	15006.0008	7886

7590

05/21/2002

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EXAMINER

THOMPSON, MICHAEL M

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Election/Restriction

1. The reply filed on February 21, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In Applicant's traversal, the Election of Figures 1 and 2, and sub-species Figure 10 is noted. However this election is not proper since Applicant failed to provisionally indicate which claims read on the elected species. Please note that the Election/Restriction mailed November 06, 2001 indicated in paragraph 4, page 2, that a proper reply also includes, "a listing of all claims readable thereon." It appears that Applicant has provided a relationship between specific claims and has provided arguments with respect to generic claims, however, Applicant has failed to provide a specific set of claims which read on the elected species. In response to Applicant's traversal, the Examiner would like to point out that while some Species indicated by the Examiner are "substantially similar" or "related" they are structurally different and therefore considered different structural species for the purpose of examination. This is the premise that rightly differentiates a Species Election from a Restriction Requirement. Applicant's arguments are only appropriate if the Examiner would have imposed a Restriction requirement. The Examiner would also like to point out that upon successful traversal of a generic claim by Applicant, he will be entitled to consideration of the claims directed to the additional species which are written in dependent form or otherwise that include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. (Also indicated in prior Election/Restriction) See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

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avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, AnhTuan Nguyen, can be reached on (703) 308-2154. The official fax phone number for submissions to the organization where this application or proceeding is assigned is (703) 872-9302. The official fax phone number for submission of After Final response is (703) 872-9303.

Michael M. Thompson

Patent Examiner

MT

May 16, 2002

ANHTUAN T. NGUYEN
PRIMARY EXAMINER

5/17/02